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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/880,047	06/14/2001	Jun Kametani	Q64973	5937

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SUGHRUE, MION, ZINN, MACPEAK & SEAS
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EXAMINER

KADING, JOSHUA A

ART UNIT PAPER NUMBER

2661

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/880,047

Applicant(s)

KAMETANI, JUN

Examiner

Joshua Kading

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17, 19 and 20 is/are rejected.
- 7) ☒ Claim(s) 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>6/3/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 18 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from another multiple dependent claim. See MPEP § 608.01(n). Accordingly, claim 18 has not been further treated on the merits.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 14 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 14 discloses a portable telephone having "an i mode function". However, the only portion of applicant's specification that discusses such a function is on page 21, lines 11-15. There is nothing at the cited section (or in the entire specification) that clearly defines what an "i mode function" is. Since it is not clear what an "i mode function" is how could one of ordinary skill in the art be expected to reasonably make or use the invention with the "i mode function?"

Claim Rejections - 35 USC § 102

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4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-5, 7-9, 11-13, 15, 16, 19, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,775,267 B1, Kung et al. (Kung).

Regarding claims 1, 8, 12, and 19, Kung discloses, “a network system comprising:

an IP network through which an IP packet is transmitted (*figure 1, element 120*);

an access gateway connected to the IP network (*figure 1, gateways in network 120*);

a user terminal which is installed on a user side and is connected to the access gateway (*figure 1, users in element 142*);

one or more servers which are connected to the IP network and function to record information about the user and a plurality of service providers or online entrepreneurs, and information about services provided by the service providers or online entrepreneurs to the user, and based on the recorded information, to unitarily manage account information of the services provided to the user (*figure 1, element 155 as read in col. 6, lines 43-49*);

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a packet exchange connected to the IP network, for converting received packet data to a format and protocol of a network of a service provider or an online entrepreneur as a send destination, and sending the converted packet data to the send destination (*figure 1, element 146 where any of the gateways connected to PBX 146 would function as a packet exchanged for converting incoming/outgoing packets*); and

a plurality of border gateways which connect the packet exchange to a plurality of networks of the service providers or online entrepreneurs (*figure 1, gateways of network 120*)."

Regarding claim 2, Kung discloses, "a first IP network, which the terminal accesses (*figure 1, network 120*), and a second IP network, which the service provider accesses (*figure 1, network 180*)."

Regarding claim 3, Kung discloses, "wherein the first IP network has a first server which stores service information of services provided by the service provider (*figure 1, element 155*)."

Regarding claim 4, Kung discloses, "wherein the first IP network has a second server which stores account information of the service which has been provided to the terminal (*figure 1, element 190*)."

Regarding claim 5, Kung discloses, "wherein the first server stores the format of each of the IP networks and the address of the service provider (*col. 6, lines 43-49 where the local number portability stores the addresses for further format conversion and billing as necessary*)."

Regarding claim 7, Kung discloses, "wherein the terminal is connected to the first IP network through an access gateway that authenticates the IP packet (*col. 16, lines 65-col. 17, lines 1-7 whereby maintaining information on billing, etc. the gateway has to authenticate each call so the appropriate billing information can be determined*)."

Regarding claim 9, Kung discloses, "a packet exchange connected to the IP network, said packet exchange for converting packet data from the user terminal to the protocol and format of a destination network within the networks, and to convert packet data from a source network within the networks to the protocol and format of the user terminal (*figure 1, element 146 where any of the gateways connected to PBX 146 would function as a packet exchanged for converting incoming/outgoing packets*)."

Regarding claims 11 and 13, Kung discloses, "wherein the user terminal is a personal computer or a portable terminal, capable of processing packet data (*col. 5, lines 55-57*), and the access gateway is a remote access server (*figure 1, where all gateways in network 120 are remote in that they are part of network 120 and not local to other networks*)."

Regarding claims 15 and 16, Kung discloses, "wherein the user terminal and the packet exchange are each a router (*figure 1 where since the data is sent/received from each terminal and each packet exchange, they all are basic routers*)."

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kung et al. in view of U.S. Patent 6,404,746 B1, Cave et al. (Cave).

Regarding claim 6, Kung lacks what Cave discloses, "wherein the packet exchange means measures the amount of data of the IP packet for which the format has been converted (*col. 7, lines 28-32 whereby storing an amount of the data for further conversion is a way of measuring data for conversion*)."

It would have been obvious to one of ordinary skill in the art at the time of invention to include the measuring an amount of data as way to further convert data. The motivation being that conversion allows users in different networks to communicate.

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8. Claims 10, 17, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kung et al. in view of U.S. Patent 6,118,784, Tsuchiya et al. (Tsuchiya).

Regarding claims 10, 17, and 20, Kung lacks what Tsuchiya discloses, "wherein the conversion of packet data by the packet exchange is carried out using multi-protocol label switching protocol) (MPLS) or IP within IP based on the VPN platform corresponding to the service provider receiving/sending the packet data (*col. 2, lines 5-6 where the IPv4 and IPv6 networks are effectively operating as VPN networks with regard to each other*)." It would have been obvious to one of ordinary skill in the art at the time of invention to include the IP within IP for the purpose of converting between two networks. The motivation being that the conversion allows users in two different networks to communicate.

Response to Arguments

9. Applicant's arguments filed 16 March 2005 have been fully considered but they are not persuasive.

Applicant argues that Kung fails to disclose "the unification of connection between a user terminal and a plurality of service providers and the unitary management of account information of the services." The examiner respectfully disagrees.

As noted in the above rejections, figure 1 shows various services from several service providers such as ATM 185, HFC 112, etc. and the universal control from

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element 200 and elements 155 and 190. Therefore, Kung fully discloses a universally controlled account management system for use with a variety of service providers.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua Kading whose telephone number is (571) 272-3070. The examiner can normally be reached on M-F: 8:30AM-5PM.

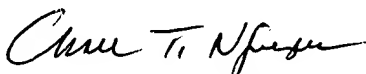
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (571) 272-3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Joshua Kading
Examiner
Art Unit 2661

July 21, 2005



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